



U.S. Department of Justice

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September 13, 2017

BY ECF

The Honorable Katherine Polk Failla
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Doyle et al. v. U.S. Department of Homeland Security*,
No. 17 Civ. 2542 (KPF)

Dear Judge Failla:

We write respectfully in the above-referenced action brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), to advise the Court of the government's position with regard to plaintiffs' motion to file an amended complaint, and to request an amended briefing schedule that will allow the government to file a consolidated motion addressing all claims in plaintiffs' proposed amended complaint.

On August 30, 2017, plaintiffs filed a motion to amend the complaint in this case to add the Executive Office of the President as a defendant, and to assert additional claims pursuant to the Presidential Records Act, the Federal Records Act, and the Administrative Procedure Act. ECF No. 26. The government believes the new claims asserted in plaintiffs' proposed amended complaint lack merit. Nevertheless, in an effort to avoid unnecessary motion practice and facilitate the ultimate resolution of this case, the government has advised plaintiffs that it will consent to the filing of the proposed amended complaint provided that the briefing schedule that the parties previously submitted to the Court—which the Court endorsed on July 14, 2017 (ECF No. 24)—is amended to allow the government sufficient time to file a consolidated motion with regard to all claims asserted in the proposed amended complaint. Plaintiffs are amenable to this course of action.

Accordingly, the parties jointly propose the following amended schedule:

Plaintiffs will file the amended complaint attached as Exhibit F to their motion to amend within two days after the Court issues an order endorsing the proposed schedule.

October 23, 2017: Deadline to respond to the amended complaint and to file dispositive motions as to all claims, including motions under Rules 12 and 56.

December 4, 2017: Plaintiffs' opposition and cross-motion due.

January 12, 2018: Defendants reply and opposition to cross-motion due.

February 2, 2018: Plaintiffs' reply due.

This is the parties' first request for an extension of the briefing schedule, and as noted, it is occasioned by the filing of a motion to amend the complaint to add an additional defendant and assert additional claims.

We thank the Court for its consideration of this request.

Respectfully submitted,

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